

### **REMARKS**

Claims 1-9, 11-14, and 16-24 are pending in the application. Claims 17-24 have been withdrawn from consideration as being directed to non-elected subject matter. Independent claims 1, 2, 11, and 16 have been amended by the present amendment. The amendments are fully supported by the application as originally filed (see, e.g., specification at page 35, line 13 to page 39, line 23).

As amended, independent claim 1 recites a method for recording and reproducing information with respect to a recording medium having a data recording region and an encryption data recording region, including steps of: encrypting the information based on additional data indicative of copyright protection; recording information including the additional data in the data recording region; and reproducing information by determining if the information is encrypted based on the additional data and reading out the encrypted information recorded in the data recording region.

Similarly, independent claim 2 recites a recording medium including a data recording region in which the information recorded in the data recording region includes additional data indicative of copyright protection, and the additional data is used to determine if the information is encrypted.

Independent claims 11 and 16 each recite a recording and reproducing apparatus including a data recording region in which the information recorded in the data recording region includes additional data indicative of copyright protection, and a reproducing means is configured to determine whether the information is encrypted based on the additional data.

In other words, as amended, independent claims 1, 2, 11, and 16 each recite that if information written in the data recording region requires copyright protection, "additional data" indicative of copyright protection is recorded, where the additional data is used to determine whether the information is encrypted.

Applicant's claimed invention can provide at least the following advantage: "even if data which requires copyright protection and data which does not require copyright protection, that is, copy-free data coexist in the disk 1, they can be recorded and reproduced" (page 39, lines 20-23 of the specification).

Claims 1-9, 11-14, and 16 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,938,162 to Nagai et al. ("Nagai") in view of U.S. Patent 6,587,948 to Inazawa et al. ("Inazawa"), and further in view of PCT Publication WO 00/07182 to Tosaki et al. ("Tosaki"). This rejection is respectfully traversed.

Regarding the rejection of independent claims 1, 2, 11, and 16 over the proposed combination of Nagai in view of Inazawa, and further in view of Tosaki, the proposed combination does not teach or suggest that if information written in a data recording region requires copyright protection, "additional data" indicative of copyright protection is recorded, where the additional data is used to determine whether the information is encrypted.

For example, in Nagai, the user data area 102 only records data that needs copyright protection (see, e.g., column 11, lines 19-27 of Nagai). However, the user data area 102 is not configured to store both copyrighted and non-copyrighted data, and thus there is no teaching or suggestion that "additional data" indicative of copyright protection is recorded.

It is believed that the claims are in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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